



Appeal Decision

Site visit made on 22 August 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2022

Appeal Ref: APP/J4525/W/22/3299855

Newcastle Road Street Works, Newcastle Road, Sunderland SR5 1NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Sunderland City Council.
 - The application Ref 21/02875/TEX, dated 13 December 2021, was refused by notice dated 19 January 2022.
 - The development proposed is a 15m high Phase 8 3HG street pole and associated 3no. equipment cabinets (colour Black -9005).
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the GPDO for the siting and appearance of a 15m high Phase 8 3HG street pole and associated 3no. equipment cabinets (colour Black -9005) at Newcastle Road Street Works, Newcastle Road, Sunderland SR5 1NB in accordance with the terms of the application Ref 21/02875/TEX, dated 13 December 2021, and the plans submitted with it.

Preliminary Matters

2. The provisions under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to the matters of siting and appearance.

Main Issue

3. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

4. The proposed 15 metre high monopole mast and associated equipment cabinets would be sited at the back of the pavement on the eastern side of the A1018 Newcastle Road, which is a wide main arterial route with a typically urban character. Street lights are spaced regularly along the road and there are a number of mature trees at the roadside edge.

5. The mast would therefore occupy an area that is already populated by other vertical features and within urban surroundings where it would be a relatively unremarkable feature in the street scene. It would be taller and wider than the street lighting columns and some of the roadside trees it would be seen in immediate context with, but not so significantly that it would be overdominant. Colouring the mast black would help it to assimilate with the existing street lighting columns, and I note that its height is the lowest possible for this form of 5G installation.
6. In terms of the equipment cabinets, such structures are not uncommon on main urban roadsides, and given their limited spread and siting neatly at the back of the wide footway, would not appear visually cluttered or obtrusive.
7. I have considered the potential for cumulative effects with another telecommunications installation further along Newcastle Road, but given the separation distance involved and the varied urban context between, I am content that no cumulative harm would result from an additional mast in this location.
8. For these reasons, I conclude that the siting and appearance of the proposal would not unacceptably harm the character or appearance of the area. Whilst not determinative, in this respect the proposal complies with the design and telecommunications infrastructure requirements of Policies BH1 and BH6 of the Sunderland Core Strategy (2020), and the Framework.

Conditions

9. Any approval for development under Article 3(1) and Schedule 2, Part 16, Class A is subject to the conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

10. For the reasons given, I conclude that the appeal should succeed and prior approval should be granted.

A Caines

INSPECTOR